

Remarks & Arguments

In the Office Action, the Examiner noted that Claims 1-28 are pending in the application, and that Claims 1-28 are rejected. By this amendment Claims 29-30 have been added. Thus, Claims 1-30 are pending in the application. The amendments to the claims do not add new matter to the application. The Examiner's rejections are traversed below.

Rejections Under 35 USC 102

Claims 1-28 stand rejected as anticipated by Bezos (US Patent No. 6,029,141). The Applicant respectfully asserts that a prima facie case of anticipation has not been established.

With regard to independent Claim 1 as amended, the rejection alleges that Bezos discloses a computer-implemented method for facilitation a transaction between a subscriber (108 fig. 1) and a vendor (100 fig. 1) through an intermediary (106 fig. 1)... Applicant respectfully asserts that the intermediary of Claim 1 and the merchant 106 are not equivalents, and that the vendor of Claim 1 and the associate 100 are not equivalents. Instead, the vendor of Claim 1 is equivalent to the merchant 106; while, the intermediary of Claim 1 is not equivalent to the associate 100. Applicant also respectfully asserts that the Figure 1 of Bezos clearly shows that a customer (subscriber) 108 makes a purchasing transaction directly with the merchant (vendor) 106 (col. 7, lines 11-18). Even if the associate 100 and intermediary of Claim 1 were equivalents, Bezos does not teach or suggest that the purchasing transaction is done through the associate 100. Bezos instead teaches that the associate only provide a referral (col. 7, lines 21-

34), any purchasing transaction is done directly between the customer (subscriber) 108 and the merchant (vendor) 106 (col. 6, lines 41-44).

The rejection further alleges that Bezos discloses receiving at said intermediary (106 fig. 1) personal information from said subscriber (108 fig. 1) to establish a user account and storing said personal information for subsequent access (using online registration process to allow user to register see fig. 1, abstract, col. 6 lines 1-47 and col. 11 line 27 to col. 12 line 42). Applicant respectfully asserts that the relied upon passage col. 6 lines 1-47 describes a separate and distinct function as described at col. 11 line 27 to col. 12 line 42. The passage at col. 6 lines 1-47 describes the associate enrollment function, described in detail at col. 9 line 40 to col. 11 line 26. The passage at col. 11 line 27 to col. 12 line 42 describes the referral transaction function. The passages clearly teach that the associate enrollment function and the referral transaction function are separate and distinct. Bezos does not teach or suggest combining elements from the associate enrollment function and the referral transaction function as the rejection alleges.

Furthermore, Applicant maintains that intermediary of Claim 1 and the merchant 106 are not equivalents. Instead, the vendor of Claim 1 is equivalent to the merchant 106.

Applicant also respectfully asserts that the relied upon passages of Bezos, fig. 1, abstract, col. 6 lines 1-47 and col. 11 line 27 to col. 12 line 42, in fact teach away. For example, Bezos, at col. 6 lines 21-24, specifically states that the merchant web site (vendor) 106 includes enrollment software that implements an on line registration process for allowing other entities (individuals,

companies, etc.) to register as associates 100. At col. 6 lines 31-32, Bezos further teaches that the associate's web site 100 is the site of an entity that has registered with the merchant (vendor) 108. Hence, the passages relied upon in the present rejection do not show that Bezos discloses the subscriber (customer computer 108) establishing an account (registering) with an intermediary.

The rejection further alleges that Bezos discloses receiving at said intermediary (106 fig. 1) a request from said subscriber (108 fig. 1) to access (customer access) said user account, wherein said subscriber's identity is verified by said intermediary against said personal information (see col. 6 line 41 to col. 7 line 51; and col. 13 line 8 to col. 14 line 52). Applicant respectfully asserts that the relied upon passage col. 6 lines 41 to col. 7 line 51 describes a separate and distinct function as described at col. 13 line 8 to col. 14 line 52. The passage at col. 6 lines 41 to col. 7 line 51 describes the referral transaction function, described in detail at col. 11 line 27 to col. 12 line 42. The passage at col. 13 line 8 to col. 14 line 52 describes the unified shopping cart function. The passages clearly teach that the referral transaction function and the unified shopping cart function are separate and distinct. Bezos does not teach or suggest combining elements from the referral transaction function and the unified shopping cart function as the rejection alleges.

Furthermore, Applicant maintains that intermediary of Claim 1 and the merchant 106 are not equivalents. Instead, the vendor of Claim 1 is equivalent to the merchant 106.

Applicant also respectfully asserts that the relied upon passages of Bezos, col. 6 line 41 to col. 7 line 51, in fact teach away. For example, Bezos, at col. 7 lines 30-34, specifically teaches that the computer program 144 of the merchant web site (vendor) 106 uses this information to identify the associate 100 that was the source of the referral... Hence, the passage relied upon in the present rejection does not show that Bezos discloses the subscriber's identity (customer computer 108) is verified by an intermediary.

Furthermore, with all due respect, the Applicant is unable to determine how the passage at col. 13 line 8 to col. 14 line 52 is related to any portion of "receiving at said intermediary a request from said subscriber to access said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information" of Claim 1. Applicant respectfully requests that the Examiner further explain how the passage reads upon these limitations and/or elements.

The rejection further alleges that Bezos discloses responsive to successful verification of said subscriber's identity (108 fig 1), said intermediary (106 fig. 1) entering into a transaction with said vendor (100 fig. 1) on behalf of said subscriber pursuant to said subscriber's instructions and notifying said subscriber upon completion of said transaction (processing customer's "check-outs"), wherein said transaction is completed without disclosing said personal information about said subscriber to said vendor (see col. 14 lines 38 to col. 15 line 60). Applicant respectfully maintains that the intermediary of Claim 1 and the merchant 106 are not equivalents, and that the vendor of Claim 1 and the associate 100 are not equivalents. Instead,

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the vendor of Claim 1 is equivalent to the merchant 106; while, the intermediary of Claim 1 is not equivalent to the associate 100.

Applicant also respectfully asserts that Bezos, at col. 14 lines 12-20, in fact teaches away. Bezos specifically teaches that the merchant site (vendor) 106 obtain access to the customer's (subscriber) 108 information, and at not time is the information provided to the associate sites. Hence, Bezos does not teach that said transaction is completed without disclosing said personal information about said subscriber (customer 108) to said vendor (merchant 106).

For the above advanced reasons, Bezos does not teach or suggest the claimed combination of elements and/or limitations of Claim 1. Withdrawal of the rejection of independent Claim 1 is therefore respectfully requested.

Claims 2-10 are dependent upon independent Claim 1 and therefore incorporate all the limitation of Claim 1. Accordingly, Bezos does not teach or suggest the claimed combination of elements and/or limitation of Claims 2-10 for the reasons advanced in support of Claim 1. Therefore, withdrawal of the rejection of Claims 2-10 is respectfully requested.

Claims 11-20 are patentable over Bezos for the same reasons advanced in support of Claim 1-10. Therefore, withdrawal of the rejection of Claims 11-20 is respectfully requested.

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Claims 21-28 are patentable over Bezos for the same reasons advanced in support of Claims 1-10. Therefore, withdrawal of the rejection of Claims 21-28 is also respectfully requested.

Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

A handwritten signature in cursive script, appearing to read "Eric J. Gash", is written over a horizontal line.

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